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7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**

10 MIGUEL ORTEGA, BENJAMIN ORTEGA,
 11 A Minor, By And Through His Guardian Ad
 12 Litem, ANA ROSA ORTEGA,

13 Plaintiffs,

14 vs.
 15 CITY OF OAKLAND, OAKLAND POLICE
 16 DEPARTMENT, CHIEF WAYNE TUCKER,
 17 In His Capacity As The Police Chief Of The
 18 City Of Oakland, RAMON J. ALCANTAR,
 19 Individually And In His Capacity As A Police
 Officer For The City Of Oakland, BERNARD
 ORTIZ, Individually And In His Capacity As A
 Police Officer For The City Of Oakland, and
 Does 1 through 200,

Defendants.

) Case No.:C-07-02659 JCS

) **PLAINTIFFS' REQUEST FOR**
) **ADMINISTRATIVE RELIEF**
) Civil Local Rule 7-11

) The Honorable Magistrate Judge
 JOSEPH C. SPERO

) TRIAL DATE: December 1, 2008

20 Plaintiffs' submit this REQUEST FOR ADMINISTRATIVE RELIEF pursuant to
 21 Northern District **Civil Local Rule 7-11**. The Motion for Partial Summary Judgment is noticed by
 22 defendants to be heard on September 19, 2008. It was electronically filed after 5:00 pm and plaintiffs
 23 did not see a copy of the approximate 500 pages until Monday August 18, 2008. Plaintiffs' have
 24 conducted a cursory review of the defendants' motion and it is brought by four separate defendants,
 25 includes four declarations, seeks dismissal of eight (8) different causes of action, includes 34 cited
 26 cases, and makes reference to 64 facts in the Joint Statement. According to Local Rules, plaintiffs
 27 have to file their Opposition no later than twenty-one days before the hearing date is September 19,
 28

1 2008, which gives plaintiffs only 10 business days to review approximately 500 pages, review the
2 cited law in defendant's brief, research and cite the law in support of plaintiffs' opposition and
3 prepare the brief. Plaintiffs' counsel needs to consult with their expert, Roger Clarke and may need
4 to obtain a declaration from said expert in support their opposition. Plaintiffs' firm consists of only
5 two lawyers who prior to the filing of said motion had other commitments within that time period.
6

7 Due to Stephen R. Jacobsen's other commitments, the opposition to this brief will be
8 prepared by Plaintiffs' counsel Brenda D. Posada. Ms. Posada is currently working on an opening
9 brief involving a complex appeal in state court and said opening brief is due September 9, 2008.
10 Due to time constraints and the nature of plaintiffs' counsel's small practice, Plaintiffs request that
11 this court continue the hearing to October 17, 2008, providing plaintiffs additional time to
12 competently respond to the voluminous motion filed by each of the four Defendants. (Although
13 their motion is combined, Plaintiffs will have to oppose each argument separately against each
14 defendant)

15 In the interest of cooperation, and since plaintiffs had agreed to stipulate to an extension of
16 the original motion hearing date, set for August 22, 2008 to September 19, 2008, (Document #53) as
17 a courtesy to defendants, plaintiffs felt it appropriate to ask defense counsel Charles Vose to likewise
18 stipulate to an extension of the hearing date of their current motion. Plaintiffs requested a
19 stipulation to continue the motion hearing in order to provide plaintiffs additional time to oppose
20 the current motion. However, Mr. Voce informed Ms. Posada that due to the upcoming pre-trial
21 deadlines in this case, he felt that he would have inadequate time to prepare pre-trial filings by the
22 October 31, 2008 deadline. But without this court's extension plaintiffs would have inadequate time
23 to respond to the defendants' summary judgment motion. (See Declaration of Brenda D. Posada)
24 Plaintiffs will be severely prejudiced and the outcome of the litigation definitely affected. *Id.*

25 Defense counsel agreed and the stipulation is attached hereto. Trial is set for December 1,
26 2008. There is no prejudice to any of the parties in continuing the hearing but plaintiffs' will be
27 unable to competently and adequately oppose the motion if the hearing is not continued for at least
28

1
2 a period of three weeks.
3

4 DATED: August 21, 2008 LAW OFFICES OF STEVEN R. JACOBSEN
5 By: _____ \s\\
6 BRENDA D. POSADA
Attorney for Plaintiffs
BENJAMIN ORTEGA AND MIGUEL ORTEGA
7

8 **[Proposed] Order**

9 Having considered Plaintiffs' request, it is so ordered:
10 Plaintiffs' request for a continuance of Defendants' Motion for Partial Summary Judgment
11 currently set for September 19, 2008 is hereby continued to October 17, 2008 at ____am/pm. The
12 opposition is now due 21 days before the new hearing date, or September 26, 2008. The reply is now
13 due 14 days before the new hearing date, or October 3, 2008.
14

15
16 Dated: _____ Magistrate Joseph C. Spero
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